

December 10, 2019

National Freedom of Information Officer
National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, D.C. 20460

Re: Request for Information Under the Freedom of Information Act (5 U.S.C. § 552)

Dear National Freedom of Information Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended, and its implementing regulations, the California Air Resources Board (CARB) makes the following request for records:

1. All emissions analyses and other records regarding the U.S. Environmental Protection Agency's (U.S. EPA) conclusion that revoking CARB's waiver of federal preemption under the Clean Air Act for its zero-emission vehicle (ZEV) regulations does not have any impacts on emissions of criteria pollutants or effects on California's attainment of national ambient air quality standards under the Clean Air Act, as stated, for instance, at 84 Fed. Reg. 51,310, 51,337, 51,353 (Sept. 27, 2019).

If it is your position that any portion of any requested record is exempt from disclosure notwithstanding FOIA's presumption of openness, we request that you provide an index of those records describing each document claimed as exempt with sufficient specificity "to permit a reasoned judgment as to whether the material is actually exempt under FOIA." *Founding Church of Scientology of Washington, D.C. v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979); *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973).

CARB also requests a waiver of searching and copying fees for this request. CARB is a noncommercial, governmental organization. Under FOIA and U.S. EPA's regulations, federal agencies waive such fees where disclosure is likely to contribute to public understanding of the operations and activities of the government and disclosure is not primarily in the commercial interest of the requester. See 5 U.S.C. § 552(a)(4)(A)(iii); 40 C.F.R. § 2.107(1)(l). This request is for non-commercial purposes; CARB is a state regulatory agency with no commercial interest in the requested information. This request is also in the public interest, as it seeks information not provided in explaining

U.S. EPA's rationale for its final action in the Safer Affordable Fuel Efficient (SAFE) Vehicles Rule Part One: One National Program.

If this request for a fee waiver is denied, please contact us before incurring any costs in responding to this request. We ask that you provide your responses electronically, if possible, and on a rolling basis. If you have any questions or wish to clarify any part of this request, please do not hesitate to contact Attorney Wesley Dyer at Wesley.Dyer@arb.ca.gov or 916-445-4299. We look forward to receiving your response to this request within twenty (20) business days as required by FOIA.

Sincerely,



Steven S. Cliff, Ph.D.
Deputy Executive Officer
California Air Resources Board